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09/824,971	04/03/2001	David El-Baze	107.003	1864

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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 11/16/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/824,971

Applicant(s)

EL-BAZE ET AL.

Examiner

Aaron C Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/9/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Action is in response to Application filed 4/3/01.
2. Claims 1-10 are presented for examination.
3. This Action is non-Final.

#### *Claim Objections*

4. **Claim 4** is objected to because of the following informalities: line 4 recites “form a capture module” where it should recite --from a capture module--. Appropriate correction is required.
5. **Claim 8** is objected to because of the following informalities: line 5 recites “remove receiving” where it should recite --remote receiving--. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. **Claims 1-10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. As for claim 1, in the step of “establishing a first network address and a port number of the originating computing device” recited in lines 7-8, it is not clear where the address and port number are established. For the purpose of applying prior art, the Examiner interprets that either establishing the address and port number at the originating or at the receiving device is sufficient to teach the limitation of the claims.

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9. As dependent claims, claims 2-6 suffer from the same deficiencies as claim 1.
10. As for claims 4 and 8, the acronym "RTP" recited in line 2 of claim 4 and line 4 of claim 8 has not been defined by the specification. However, "RTP" is generally used to denote "real-time transfer protocol" in the prior art. It is not clear to the Examiner whether the Applicant intends to claim "real-time transfer protocol" or if the acronym merely serves as an identifier for the processor (RTP processor 20, Fig. 3). For the purpose of applying prior art, the Examiner interprets that RTP stands for "real-time transfer protocol."
11. As for claim 7, the acronyms TRX and RCV have not been defined by the specification, have no standard meaning in the prior art, and appear to serve only as identifiers for the transmission unit and receiver, respectively. The Examiner suggests deleting the acronyms from the claim for clarity.
12. As dependent claims, claims 9-10 suffer from the same deficiencies as claim 7.
13. As for claim 9, the use of "or" in line 4 makes it unclear whether all of the recited sub-modules or merely one of the recited sub-modules are required. The Examiner interprets that only one of the sub-modules is required to teach the limitations of the claim.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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15. **Claims 1-3, 5-7, 9 and 10** are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer et al. (US 5,546,324) (hereinafter Palmer).
16. **Examiner's Interpretation:** Although Palmer does not explicitly discuss establishing network addresses of the originating and receiving devices, this feature is considered inherent to Palmer because addressing is required by the disclosed TCP/IP protocols in order to establish the device connections (col. 5, lines 27-30), as evidenced by Stevens (W. Richard Stevens, "TCP/IP Illustrated, Volume 1," Addison-Wesley, Boston, 1994, pgs. 1-14.).
17. As for claim 1, Palmer discloses a method of establishing a peer-to-peer communication between an originating computing device and a receiving computing device over a network channel that identified communicating devices without having a streaming server over the network channel, said method comprising the steps of:
  - sending a message from said originating computing device to said receiving computing device over a first listening port (Fig. 7, steps 302 and 306; col. 10, lines 32-65);
  - opening a receiver and establishing a first network address and a port number of the originating computing device (Fig. 7, steps 304, 308 and 310; col. 10, lines 32-65),
  - generating a link channel with the originating computing device and triggering the streaming process and establishing communication between the originating computer device and the receiving computer device over the network channel using the first network address (Fig. 7, steps 309-324; col. 10, line 32 – col. 11, line 33).
18. As for claim 2, Palmer discloses the method according to claim 1 further comprising the step of:

establishing a link with the originating computing device over a second listening port (col. 8, lines 41-52; col. 11, lines 34-45).

19. As for claim 3, Palmer discloses the method according to claim 1 further comprising the step of opening multiple channels between at least two computing devices, and enabling a two-way full duplex streaming communication (col. 8, lines 41-52; col. 11, lines 34-45).
20. As for claim 5, Palmer discloses the method according to claim 1, further comprising the step of connecting the originating computer device and the receiving computer device to an IP network with network addresses, said addresses being permanent or dynamically assigned (col. 5, lines 27-30; col. 10, lines 32-52).
21. As for claim 6, Palmer discloses the method according to claim 5, further comprising a remote receiving device, wherein the user of the remote receiving device is in a listening status waiting for a request for peer-to-peer multimedia streaming from an originating computer device (col. 10, lines 32-52).
22. As for claim 7, Palmer discloses an apparatus for supporting an interactive, direct, peer-to-peer multimedia streaming over a network channel, said apparatus comprising:
  - a capture device for input of a content signal (video camera 38, Fig. 2),
  - a player to present the output content signal (video display subsystem 36, Fig. 2),
  - a format converter (col. 7, lines 18-35),
  - a TRX transmission unit for sending a streaming signal (col. 2, lines 44-52), and
  - a RCV receiver to intercept and receive the streaming signal (col. 2, lines 3-9).
23. As for claim 9, Palmer discloses the apparatus according to claim 7 further comprising a Session Manager (DECspin application; col. 9, lines 50-57), said Session Manager further

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comprising of sub-modules including a Streaming Request Initiator, a Link Establishment Unit, a Channel Communicator, a Transmission Unit, a Receiver Unit or a Channel Control (col. 10, lines 16-52).

24. As for claim 10, Palmer discloses the apparatus according to claim 7, for realizing the direct peer-to-peer multimedia streaming, characterized by the absence of a server between two or more computing devices (col. 10, lines 32-52).

***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. **Claims 4 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Bowman-Amuah (US 6,477,580 B1).

27. As for claim 4, Palmer teaches the method according to claim 3 wherein one streaming signal traverses in the originating computer device from a capture module through a Processor (TCP/IP protocol stack; col. 10, lines 32-52), the Session Manager (DECspin application; col. 9, lines 50-57), the Internet (col. 5, lines 21-49), the receiving computer device and to the Player (video display subsystem 36, Fig. 2) for content presentation (col. 10, lines 5-52), and

the second streaming signal flows from a remote computing device to the originating computer device (col. 10, lines 5-52).

Although obvious to one of ordinary skill in the art, Palmer does not specifically teach the use of real-time transfer protocol (RTP). Bowman-Amuah teaches the use of RTP for efficiently streaming data in real-time (col. 71, line 60 col. 72, line 50). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer by using RTP in order to efficiently stream data in real-time, as taught by Bowman-Amuah above.

28. As for claim 8, Palmer teaches an apparatus for supporting a one-way, half duplex, peer-to-peer, multimedia streaming across a network channel, said apparatus comprising an originating computing device and a remote receiving computing device (Fig. 1), said originating computing device further comprising a capture device (camera 38, Fig. 2), a processor (TCP/IP protocol stack; col. 10, lines 32-52) and a Session Manager (DECspin application; col. 9, lines 50-57), and said remote receiving computing device comprising a Player (video display subsystem 36, Fig. 2) and the Session Manager (DECspind application; col. 9, lines 50-57).

Although obvious to one of ordinary skill in the art, Palmer does not specifically teach the use of real-time transfer protocol (RTP). Bowman-Amuah teaches the use of RTP for efficiently streaming data in real-time (col. 71, line 60 col. 72, line 50). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Palmer by using RTP in order to efficiently stream data in real-time, as taught by Bowman-Amuah above.



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*Conclusion*

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,269,099 B1, note abstract and Fig. 1;

US 5,790,553, note abstract;


US 5,761,421, note method for establishing direct peer-to-peer connection;

US 5,506,954, note Figs. 1-5.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (571) 272-3974. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Aaron Perez-Daple

